IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTONIO JOHNSON : CIVIL ACTION

:

v. : No. 19-6053

SUPERINTENDENT KEVIN RANSOM,

et al.

<u>ORDER</u>

AND NOW, this 28th day of October, 2022, upon consideration of Antonio Johnson's Petition for Writ of Habeas Corpus, and after careful review of the Report and Recommendation of U.S. Magistrate Judge Marilyn Heffley and Johnson's Objections thereto, it is hereby ORDERED:

1. Johnson's Objections (Document 18) are OVERRULED;¹

Under Local Rule 72.1(IV)(b), "[a]ny party may object to a magistrate judge's proposed . . . recommendations or report . . . within fourteen (14) days after being served with a copy thereof." The Rule also states: "written objections shall specifically identify the portions of the . . . report to which objection is made and the basis for such objections." The Report and Recommendation was mailed to Johnson on March 1, 2021, and he mailed the Objections on March 22, 2021. Even if, assuming a delay in the mail, the Objections were timely, they do not identify the portions of the Report and Recommendation to which Johnson objects, or the basis for those objections. Instead, Johnson's Objections consist of a list of eight legal issues. Pet'r's Objections, ECF No. 18. Local Rule 72.1(IV)(c) does not allow for new issues to be raised after the filing of the Magistrate Judge's Report "unless the interest of justice requires it", and other courts in this district have refused to hear arguments raised for the first time in an objection to a Report and Recommendation. See e.g., Dooley v. Tice, No. 17-4315, 2020 WL 1666476, at *5 (E.D. Pa. Apr. 3, 2020); Steward v. Commonwealth, No. 13-2552, 2016 WL 3193041, at *4 (E.D. Pa. June 9, 2016); Sessom v. Wenerowicz, No. 13-2179, 2013 WL 5761303, at *1 (E.D. Pa. Oct. 24, 2013. Of the eight legal issues in Johnson's Objections, however, nos. 1-6 were not raised before the Magistrate Judge. Johnson offers no explanation for his failure to raise these matters earlier and the Court does not find the interests of justice require consideration of these issues. (The remaining issues, nos. 7-8, were previously raised and lack merit for the reasons explained by the Magistrate Judge.) Thus, Johnson's Objections are procedurally barred on multiple grounds.

- 2. The Report and Recommendation (Document 16) is APPROVED and ADOPTED;²
- 3. The Petition for Writ of Habeas Corpus is DENIED and DISMISSED without an evidentiary hearing; and
- 4. No Certificate of Appealability shall issue as Petitioner has not shown denial of a federal constitutional right.

The Clerk of Court is DIRECTED to mark this matter as CLOSED.

BY THE COURT:

/s/ Juan R. Sánchez Juan R. Sánchez, C.J.

² The Court finds Magistrate Judge Heffley's analysis, as set forth in the Report and Recommendation, to be sound.